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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,581	12/21/2004	Shaily Verma	PU020306	7729

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Joseph S Tripoli
Thomson Licensing Inc
P O B ox 5312
Princeton, NJ 08543-5312

EXAMINER

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/518,581

Applicant(s)

VERMA ET AL.

Examiner

Jean A. Gelin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 0203.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 14-19 is/are allowed.
6) ☒ Claim(s) 1,3-5 and 8-13 is/are rejected.
7) ☒ Claim(s) 2,6 and 7 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/21/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 recites the limitation "the first receiving step" in line 1. There is insufficient antecedent basis for this limitation in the claim.

For the purpose of Examination, the Examiner deletes "the first receiving step" and insert –the receiving guide information step—

Claim 12 recited the acronym " PTMSI" in line 2. This acronym should be spelled out.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 8, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitikainen et al. (US 2003/0065802) in view of Madour et al. (US 2002/0176382).

Regarding claims 1, 9, Vitikainen teaches a method for wirelessly downloading a program to a mobile terminal (sections 21-26), comprising the steps of: receiving, from a first wireless network, guide information related to programs available for downloading

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(i.e., preview samples can be packaged with predetermined usage or distribution rule, sections 20-21); selecting a particular program for downloading in response to the guide information (i.e., selecting multimedia content, sections 21 and 37); transmitting selection information to the first wireless network (i.e., transmitting signal to download multimedia content associated with the preview, sections 25 and 37).

Vitikainen further teaches a content gateway generating the preview sample (clip) is connected to Multimedia content source providing program selected by the user of the mobile corresponding to the second wireless network (690) is connected the first wireless network (662), and user of the mobile can receive program from the multimedia content via the gateway content, and a charge may be accrued to the user's account (i.e., authentication is requested to pay and receive the program) which corresponds to attaching to the second wireless network and authenticating via the first wireless network; and receiving the program from the second wireless network in response to the authentication (sections 59-69).

Vitikainen does not specifically teach detecting the presence of a coverage area of a second wireless network, the second wireless network and the first wireless network having an interworking function therebetween.

However, the preceding limitation is known in the art of communications. Madour teaches an interworking function that is located in a first network and serves as a transition node between a packet data service node located in a second network and a mobile station; the second network includes an authentication, authorization, and accounting server to provide AAA services to the mobile station when a 2G mobile

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station is in the vicinity to receive high speed data packet from a 3G network (sections 23-26). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Madour within the system of Vitikainen in order that the mobile station from the first network receive high speed data from the second network using the interworking function; thus facilitating the process handoff and roaming between the two networks.

Regarding claims 8, 13, Vitikainen in view of Madour teaches all the limitations except wherein the first wireless network comprises a cellular network and the second wireless network comprises a wireless LAN.

However, Madour teaches an interworking function that connect at least two different networks rendering a mobile station from on network to request information from another network seamlessly. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the interworking function taught by Madour in order to make the mobile station compatible and facilitate the function of roaming or handoff.

5. Claims 3-5, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitikainen et al. (US 2003/0065802) in view of Madour et al. (US 2002/0176382) further in view of Kall et al. (US 2004/0058692).

Regarding claims 3, 10, Vitikainen in view of Madour teaches receiving location information indicative of a location of the second wireless network.

However, the preceding limitation is known in the art of communications. Kall teaches receiving the address of a first network and receiving the current address of the

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second network to determine the preferred type of domain to locate the MS (section 4). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Kall within the system of Vitikainen in view of Madour in order to know the location of the mobile based on network identity.

Regarding claim 4, Vitikainen in view of Madour further in view of Kall teaches all the limitations above. Vitikainen teaches wherein the guide information includes programs available for download at the second wireless network (multimedia content, sections 66-69).

Regarding claim 5, Vitikainen in view of Madour further in view of Kall teaches all the limitations above. Vitikainen teaches wherein the guide information includes programs available for download from the first wireless network through the second wireless network (sections 66-69).

Regarding claim 11, Vitikainen in view of Madour further in view of Kall teaches all the limitations above. Vitikainen teaches wherein the means for transmitting to the first wireless network transmits a program ID (PID) associated with the selected program (sections 68-69).

Regarding claim 12, as per 112 rejection, Vitikainen in view of Madour further in view of Kall teaches all the limitations above. Vitikainen teaches wherein the means for transmitting to the second wireless network transmits a ciphered PTMSI and the PID associated with the selected program (present in section 67-69).

Allowable Subject Matter

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6. Claims 2, 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 14-19 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art teaches receiving sample programs from a first server, making selection of the program to be downloaded, and downloading the program from a second server.

On the other hand, the Applicant teaches, inter alia, the step of transmitting selection information to the second wireless network; and receiving the program from the second wireless network in response to the authentication and a comparison between the selection information transmitted to the first and second wireless networks. These limitations, in conjunction with all limitations of the independent claims, have not been disclosed, taught, or made obvious over the prior art.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sheynman et al.	US 2004/0128324	07/01/2004
Gargiulo et al.	US 2002/0087656	07/04/2002
Gupta et al.	US 6,868,440	04/15/2005
Van Vleck et al.	US 2004/0010602	01/15/2004

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Peterka	US 2002/0172368	11/21/2002
Minear et al.	US 6,721,578	04/13/2004
Kamada	US 2002/0123336	09/05/2002

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEAN GELIN
PRIMARY EXAMINER

JGelin
August 12, 2005

